

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Clerk Recorder / Elections Division

BOARD AGENDA # A-6r

Urgent

Routine

AGENDA DATE October 4, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Request Appointments in Lieu of Election to the El Solyo Water District Board of Directors

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for each of the elective offices to be filled at the Landowner District Election to be held on Tues. November 8, 2011, request the Board of Supervisors make appointments in lieu of election as indicated:

Three full term director positions - Tom Morris, Greg Nunes, Henry Bettencourt

Contact Person: Lee Lundrigan, Clerk-Recorder Telephone: (209) 525-5211

FISCAL IMPACT:

BOARD ACTION AS FOLLOWS:

No. 2011-588

On motion of Supervisor DeMartini, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2)        Denied

3)        Approved as amended

4)        Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Request Appointment in Lieu of Election to the Board of the El Solyo Water District  
Board of Directors for the November 8, 2011 Landowner District Election

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**DISCUSSION:** Pursuant to California Elections Code 10515, "Request the Board of Supervisors makes the appropriate appointment(s) in lieu of the election."

**POLICY ISSUE:** Pursuant to Elections Code 10515. (a) If, by 5 p.m. on the 83rd day prior to the day fixed for the general district election: (1) only one person has filed a declaration of candidacy for any elective office to be filled at that election, (2) no one has filed a declaration of candidacy for such an office, (3) in the case of directors to be elected from the district at large, the number of persons who have filed a declaration of candidacy for director at large does not exceed the number of offices of director at large to be filled at that election, or (4) in the case of directors who must reside in a division but be elected at large, the number of candidates for director at large from a division does not exceed the number required to be elected director at large while residing in that division; and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, in the district or division if elected by division, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments.

**STAFFING IMPACT:** There is no staffing impact associated with this item.

**CONTACT PERSON:** Lee Lundrigan, Clerk-Recorder (209) 525-5211

**LANDOWNER DISTRICT SECRETARY'S NOTICE  
TO STANISLAUS COUNTY CLERK**  
(Elections Code Section 10515)

To the County Clerk of Stanislaus County:

El Solyo Water District DISTRICT  
Name of District

The above named Landowner District hereby notifies Stanislaus County Registrar of Voters under Election Code §10515 that the following applies in and for the \_\_\_\_\_ Election to be held on \_\_\_\_\_, 2011.

**Complete applicable section A or B:**

(A) Whereas only one person has filed a declaration of candidacy for each elective office to be filled or no one has filed a declaration of candidacy for such offices *and* no petition requesting the election be conducted has been filed with the District, therefore no election shall be held for the offices listed below. This District requests the Stanislaus County Board of Supervisors appoint the candidates as indicated per Election Code §10515:

<u>Offices</u>	<u>Candidates (if any)</u>
<u>Director</u>	<u>Tom Morris</u>
<u>Director</u>	<u>Greg Nunes</u>
<u>Director</u>	<u>Henry Bettencourt</u>

**OR**

(B) A sufficient petition, signed by 50 voters or by 10% of the voters of the District (or of the division if the election is by division), whichever is the smaller number, having been presented to the officer conducting the election within the time prescribed by Elections Code §10515 the following offices will appear on the ballot:

<u>Offices</u>	<u>Candidates (if any)</u>

Dated: 8/28/11

Janice Trinkle  
Signature of Person Completing Form

JANICE TRINKLE District Secretary  
Print Name and Title of Person Completing Form

542 Center Road Vernalis CA 95385  
Mailing Address

(209) 602-2513  
Telephone